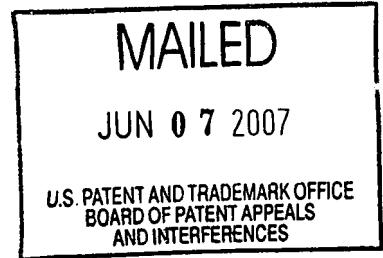


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RUY TCHAO

Application 09/472,490



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (hereinafter the “Board”) on May 25, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

On October 24, 2007, the Board mailed an Order Returning Undocketed Appeal (hereafter “Order”) wherein the Board ordered the Examiner to (1) hold the Appeal Brief filed on May 19, 2005 defective and to notify Appellant to submit a substitute Appeal Brief in compliance with 37 C.F.R. § 41.37; to consider such substitute Brief; to vacate the Examiner’s Answer and, if required, to respond to Appellant’s substitute Appeal Brief.

In addition, the Examiner was also ordered to consider Appellant’s Information Disclosure Statement (IDS) filed on December 23, 1999.

Information Disclosure Statement

A review of this application reveals that the Examiner still has not considered Appellant's IDS filed on December 23, 1999, thereby holding the Examiner in non-compliance with the Order mailed on October 24, 2006.

Accordingly, it is

ORDERED that the application is returned to the Examiner to consider Appellant's IDS filed on December 23, 1999, written notification to Appellant of consideration, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: *Patrick J. Nolan*
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PJN:clj

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